

Message Text

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ACTION EB-11

INFO OCT-01 EUR-25 ISO-00 AGR-20 CEA-02 CIAE-00 COME-00

DODE-00 FRB-02 H-03 INR-10 INT-08 L-03 LAB-06 NSAE-00

NSC-10 PA-04 RSC-01 CIEP-02 SS-20 STR-08 TAR-02

TRSE-00 USIA-15 PRS-01 SPC-03 OMB-01 DRC-01 /159 W

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R 211705Z DEC 73

FM USMISSION GENEVA

TO SECSTATE WASHDC 3107

INFO AMEMBASSY BERN

USMISSION EC BRUSSELS

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E.O. 11652: N/A

TAGS: ETRD, GATT, US, EC, EFTA

SUBJECT: EC/EFTA RULES OF ORIGIN

REF: GENEVA 6664

1. SWISS GATT REP (DUNKEL) TOLD US HE THOUGHT US PLAN TO SEEK ARTICLE 22 CONSULTATIONS ON RULES OF ORIGIN OFFERS EC MANY OPPORTUNITIES FOR PROCEDURAL DIFFICULTIES; IN SPECIFIC, HE THINKS IT LIKELY EC WILL ASSERT AND INSIST ON COMPLETE SEPARATION OF CONSULTATIONS ON R/O AS THEY RELATE TO EACH EFTA PARTNER, THIS WOULD BE IN LINE WITH EC WISH TO MINIMIZE DISCUSSION OF GENERAL PRINCIPLES OF R/O OR ANALYTICAL WORK AND ATTEMPT CONFINE CONSULTATIONS TO CONCRETE PROBLEMS IN EACH CASE. DUNKEL ALSO HINTED SWISS ALSO MIGHT PREFER SEPARATION; HE HAS ALWAYS URGED WE DEAL WITH PARTICULAR CASES AND HE AND OTHER SWISS OFFICIALS NOT INTERESTED IN SPENDING TIME ANALYZING US PROBLEMS WITH EC ARRANGEMENTS WITH OTHER EFTA COUNTRIES.

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2. COMMENT, IN ORDER TO AVOID OR MEET ARGUMENT THAT

SEVERAL SEPARATE CONSULTATIONS ARE INVOLVED, WHICH MIGHT BE USED BOTH TO TIE US UP PROCEDURALLY AND TO NEGATE ANY BROAD APPROACH TO RULES PROBLEM, IT MIGHT BE IN US INTEREST TO REQUEST CONSULTATION WITH EC ONLY, I.E. ONE CONSULTATION ON SEVERAL IDENTICAL SETS OF RULES TO WHICH THEY ARE PARTIES, RATHER THAN ADDRESS REQUEST ALSO TO EFTA COUNTRIES. EFTA COUNTRIES MIGHT OR MIGHT NOT ASSERT INTEREST UNDER BISD 7 PROCEDURES AND PARTICIPATE. IF THEY DO NOT THERE WOULD BE NO LOSS OF SUPPORT FOR US SINCE THEY HAVE FELT COMPELLED TO SUPPORT EC POSITION. HOWEVER THERE COULD BE DIFFICULTIES IN PURSUING ANALYSSIS WE WANT, PARTICULARLY AS IT MAY INVOLVE COMPARISON WITH EFTA RULES. MOREOVER, ABSENCE OF EFTA REPS MIGHT PRECLUDE DISCUSSION OF WHAT AN EFTA SECRETARIAT OFFICIAL TOLD US IS STRONGEST POINT IN US COMPLAINT, NAMELY TRADE BETWEEN TWO EFTA COUNTRIES LIKE SWITZ AND SWEDEN USING US COMPONENTS WHERE NEW RULES ARE MORE RESTRICTIVE THEN UNDER OLD EFTA RULES. MISSION SUGGESTS WASH SHOULD WIEGH PROS AND CONS OF THESE ARGUMENTS BEFORE DECIDING TO WHOM ARTICLE 22 CONSULTATION REQUEST SHOULD BE ADDRESSED.BASSIN

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 21 DEC 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: golinofr
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973GENEVA06731
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: n/a
From: GENEVA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19731211/aaaaahvg.tel
Line Count: 81
Locator: TEXT ON-LINE
Office: ACTION EB
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: GENEVA 6664
Review Action: RELEASED, APPROVED
Review Authority: golinofr
Review Comment: n/a
Review Content Flags:
Review Date: 09 OCT 2001
Review Event:
Review Exemptions: n/a
Review History: RELEASED <09-Oct-2001 by rowellE0>; APPROVED <06-Dec-2001 by golinofr>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: EC/EFTA RULES OF ORIGIN
TAGS: ETRD, US, EC, GATT, EFTA
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005